

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i> State Engineer	
Plaintiff,	69cv07941 BB-ACE
vs.	RIO CHAMA STREAM SYSTEM Section 5: Rio Gallina
ROMAN ARAGON, <i>et al.</i> ,	
Defendants.	Subfile No. CHGA-002-0009A

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**MOTION TO CORRECT CLERICAL ERROR**

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed March 8, 2001 (Doc. No. 6210) in connection with subfile CHGA-002-0009A and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The Consent Order filed March 8, 2001 (Doc. No. 6210) in subfile CHGA-002-0009A incorrectly listed the Cordova/Martinez Ditch as the ditch associated with the water rights and irrigated acreage (1.2 acres) in this subfile. The ditch that should be listed in the Consent Order filed March 8, 2001 is the Valdez Ditch.

3. The Court should correct the name of the ditch in the Consent Order filed March 8, 2001 in subfile CHGA-002-0009A.

4. The State has sought the approval of defendant Daniel K. Gonzales for making this

correction but has not received a response. Defendant Gonzales was substituted as party defendant in this subfile by Order filed February 15, 2002 (Doc. No. 6532) for the original party that signed and approved the Consent Order filed March 8, 2001 (Selustriano Gonzales, Jr.).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the clerical error described above.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion for Substitution of Parties was mailed to following this 15<sup>th</sup> day of March 2006:

Daniel K. Gonzales  
P.O. Box 6  
Gallina, NM 87017

and transmitted by ACE filing to the following this 15th day of March 2006:

Special Master Vickie L. Gabin  
USDC-DCNM  
P.O. Box 2384  
Santa Fe, NM 87504-2384

Karla McCall, Data Manager  
1315 Sagebrush Dr. SW  
Los Lunas, NM 87031

Mary E. Humphrey, Esq.  
P.O. 1574  
El Prado, N.M. 87529-1574

/s/ Ed Newville  
Edward G. Newville